

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #7	CCRB Case #: 201903143	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/09/2019 5:15 AM	Location of Incident: § 87(2)(b)	Precinct: 23	18 Mo. SOL 10/9/2020	EO SOL 5/26/2021	
Date/Time CV Reported Thu, 04/11/2019 2:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/11/2019 2:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kurwin Klien	06452	942016	023 PCT
2. SGT Jahe Gjidiya	03993	948447	023 PCT
3. An Officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Christophe Henning	00000	925443	GANG MN
2. DT3 Timothy Gaven	4659	934913	GANG MN
3. DT3 Michael Jeanbart	2216	944677	GANG MN
4. SGT Romaine Wilson	04031	949804	GANG MN
5. DT3 Liam Ohara	04408	946632	GANG MN
6. DT3 Anthony Chow	07025	932462	GANG MN
7. DT3 Breanne Barrett	1492	954523	GANG MN
8. DT3 James Burke	01185	950127	GANG MN
9. DT3 Albert Krasniqi	1657	954031	GANG MN
10. DT3 Fidel Santiago	1905	951205	GANG MN
11. DT3 Timothy Donohue	07267	932568	GANG MN
12. DT3 Matthew Sgambati	04473	944997	GANG MN
13. POM Wojciech Czech	17253	954684	GANG MN
14. DT3 Christophe Moroni	01860	946607	GANG MN
15. DT3 Christophe Cruz	2652	932502	GANG MN
16. DT3 Raymond Curbelo	1560	945636	GANG MN
17. POM Robert Cox	26280	948821	023 PCT
18. Andrew Kaufold		957728	023 PCT
19. POF Lucely Salazar	11773	966326	023 PCT
20. DTS Michael Ricketts	06214	946162	INT CIS
21. POM James Frank	25993	959642	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
22. POM Jonathan Goenner	15852	941821	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.POM Kurwin Klien	Abuse: Police Officer Kurwin Klien entered § 87(2)(b) in Manhattan.	
B.POM Kurwin Klien	Abuse: Police Officer Kurwin Klien searched § 87(2)(b) in Manhattan.	
C. An Officer	Abuse: An officer threatened to damage § 87(2)(b)'s property.	
D. An Officer	Discourtesy: An officer spoke discourteously to § 87(2)(b).	
E.SGT Jahe Gjidiija	Abuse: Sergeant Jahe Gjidiija refused to show the search warrant to § 87(2)(b).	

Case Summary

On April 11, 2019, § 87(2)(b) filed the following complaint over the phone with the CCRB.

At approximately 5:15 a.m. on April 9, 2019, a team of officers from the Manhattan North Gang Squad executed a search warrant obtained by Police Officer Kurwin Klien of the 23rd Precinct at § 87(2)(b)'s home, located at § 87(2)(b) in Manhattan (**Allegation A: Abuse of Authority: Entry of Premises:** § 87(2)(g) **Allegation B: Abuse of Authority: Search of Premises:** § 87(2)(g) § 87(2)(b) (her husband), § 87(2)(b) (her older daughter), § 87(2)(b) (her younger daughter), and § 87(2)(b) (§ 87(2)(b)'s boyfriend) were inside the apartment. An officer allegedly told § 87(2)(b) that if the police found anything illegal in the apartment, then they would “break the fucking walls” (**Allegation C: Abuse of Authority: Threat to Damage/Seize Property:** § 87(2)(g), **Allegation D: Discourtesy: Word:** § 87(2)(g)).

Officers handcuffed the civilians and brought them into the living room. § 87(2)(b) § 87(2)(b) allegedly asked the officers to see the search warrant but received no response (**Allegation E: Abuse of Authority: Refusal to Show Search Warrant:** § 87(2)(g)).

The investigation obtained NYCHA CCTV surveillance video and BWC video of this incident. Sergeant Jahe Gjidiija of the 23rd Precinct recorded a BWC video that is relevant to **Allegation E (Board Review 01)**.

Findings and Recommendations

Allegation A – Abuse of Authority: Entry of Premises: Police Officer Kurwin Klien entered § 87(2)(b), in Manhattan.

Allegation B – Abuse of Authority: Search of Premises: Police Officer Kurwin Klien searched § 87(2)(b), in Manhattan.

It is undisputed that officers entered and searched § 87(2)(b), in Manhattan. Search warrant § 87(2)(b) (**Board Review 02**), issued by New York County Criminal Court § 87(2)(b), authorized a no-knock entry of the incident location at any time without prior notice, for officers to search for a gun, a Taser, and stolen property including clothes and cellphones. This warrant was requested by Police Officer Klien.

Article 690.50 of the Criminal Procedure Law permits officers who have obtained a valid no-knock search warrant to forcibly enter and search the location (**Board Review 03**).

§ 87(2)(g)

Allegation C – Abuse of Authority: Threat to Damage/Seize Property: An officer threatened to damage § 87(2)(b)'s property.

Allegation D – Discourtesy: Word: An officer spoke discourteously to § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) provided sworn statements at the CCRB on April 15, 2019 (**Board Review 04, Board Review 05**).

In their sworn statements, both § 87(2)(b) and § 87(2)(b) described officers wearing military-style uniforms and helmets entering their bedroom and handcuffing them. Several minutes later, an officer asked § 87(2)(b) if there was anything illegal in the apartment. § 87(2)(b) said there was not, and the officer replied that if there was contraband in the apartment, then the officers would break the walls to find it. § 87(2)(b) described the officer as saying, “break the fucking walls,” while § 87(2)(b) did not allege the use of profanity.

§ 87(2)(b) was not able to specify which officer threatened to damage the apartment, stating that it was one of three light-skinned male officers, two of which were wearing helmets. § 87(2)(b) stated that she saw three light-skinned, helmeted, male officers during this portion of the incident, one of which she could not describe because he was pointing a flashlight towards her. She specified that it was a second officer, approximately six feet tall, who made the alleged statements. The third officer appeared to be a few inches shorter than the subject officer.

According to the tactical plan associated with this incident’s search warrant (**Board Review 06**), 16 officers from the Manhattan North Gang Squad entered the apartment to initially secure it. (This list does not include officers from the 23rd Precinct who searched the apartment after the Gang Squad officers secured it.) According to the CCRB’s CTS MOS roster, 12 of the 16 Gang Squad officers are either white or Hispanic men.

§ 87(2)(g)

Allegation E – Abuse of Authority: Refusal to Show Search Warrant: Sergeant Jahe Gjidiija refused to show the search warrant to § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) provided sworn statements at the CCRB on April 15, 2019 (**Board Review 07, Board Review 08**). Sergeant Gjidiija was interviewed on January 7, 2020 (**Board Review 09**).

In their interviews, § 87(2)(b) and § 87(2)(b) stated that when officers entered their apartment, they had them lie down on the floor and handcuffed them. The officers escorted them up and sat them on a sofa. Sergeant Gjidiija stood in front of them, pointed to a BWC on his chest, and told them that the incident was being recorded. § 87(2)(b) asked Sergeant Gjidiija to show the warrant, and he replied that the officers had one. Sergeant Gjidiija did not show it, however.

In his interview, Sergeant Gjidiya stated that his first course of action inside the apartment was to search the handcuffed adults for contraband and make sure they were properly restrained. Sergeant Gjidiya did not recall whether anyone asked to see the search warrant over the course of the first few minutes that he was inside the apartment. He did not recall who possessed the search warrant during its execution.

The investigation asked Sergeant Gjidiya for his understanding of the procedure for showing search warrants to civilians. Sergeant Gjidiya did not answer by citing or describing a written procedure. Instead, he said that he “normally” shows a search warrant to civilians “at some point...when it is feasible.” Sometimes he shows the search warrant while inside the target address, and sometimes he shows it back at the stationhouse. In this incident, he “believed” that he showed the search warrant to an unknown civilian(s), but he could not recall where or when he did so. At his counsel’s prompting, Sergeant Gjidiya stated that he had executed approximately 25 search warrants between April of 2019 and the interview date. As a result, it was difficult for him to distinguish between his memories of this incident and other search warrant executions.

Sergeant Gjidiya’s BWC video (**Board Review 01**) has the earliest starting point of all the BWC videos obtained in this investigation. When it starts, Sergeant Gjidiya is already inside the apartment, standing in front of the handcuffed civilians on the sofa. The first 30 seconds of the video has no audio, as is standard for Viewu-model BWCs. When the audio starts at timestamp 0:30, Sergeant Gjidiya speaks to other officers and civilians, but there is no discussion of the search warrant. Over the course of this video, the civilians do not ask to see the search warrant and no officer shows them one.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 10**).
- This is the second CCRB complaint to which § 87(2)(b) has been a party (**Board Review 11**). § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 12**).
- Police Officer Kurwin Klien has been a member of service of 13 years and has been a subject in one other CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)

- Sergeant Gjidiya has been a member of service for 10 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Officer, and the results will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

(b) (5) DPP, (b) (5) ACP, (b) (5) ADP
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Squad No.: 7

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____